

REMARKS

Upon entry of the Amendment, Claim 2 is pending in the application. Claim 2 is amended to incorporate the subject matter of Claims 3-6. Claims 1 and 3-21 are canceled, subject to Applicant reserving the right to file a divisional application/rejoin process claims.

Reconsideration and review on the merits are respectfully requested.

Claim Rejections – 35 U.S.C. § 103

Claims 1-3, 5-6 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over JP 08-036744 (Hitachi) for the reasons of record.

Applicants respond as follows.

Applicants amend Claim 2 to combine the subject matter of Claims 2-6 and to make Claim 2 independent. Claims 3-6 are canceled. Claim 2 is further amended to require “wherein said magnetic layer and said protective layer are manufactured by plasma CVD method”.

The English Abstract of Hitachi provided to Applicants does not disclose the specific requirement “wherein said magnetic layer and said protective layer are manufactured by plasma CVD method”. Applicants have determined that the protective layer prepared by reactive sputtering method has low hardness, and its durability is also lower compared with the film of the same composition formed by CVD (See page 48, lines 18-21).

Furthermore, Hitachi does not disclose a flexible disk having the contents of at least carbon, hydrogen, nitrogen and rare gas in the ranges presently claimed. Applicants respectfully emphasize that Hitachi teaches away from a hydrogen content of the protective film in the

specific, critical range of 25-35 atom %, as Hitachi discloses a hydrogen content of 5-10%.

Applicants also amend the specification to reflect that the Examples as initially described (i.e. Examples 1-5, 1-7, 1-8, 1-11, 1-18, 1-19 and 1-20) are changed to Comparative Examples as viewed in Table 1 and Table 2 and explained as follows:

Comparative Example 1-5: Nitrogen content and rare gas content are both out of the claimed range, resulting in a low contact-stop-start (CSS) test result on a hard disk and a low durability result on a floppy disk (FD).

Comparative Example 1-7: Rare gas content is out of the claimed range, resulting in a low CSS and a lower FD durability.

Comparative Example 1-8: Rare gas content is out of the claimed range, resulting in a low CSS.

Comparative Example 1-11: Carbon content and rare gas content are both out of the claimed range, resulting in a low CSS and a low FD durability.

Comparative Example 1-18: Sputtering method, carbon content, nitrogen content and rare gas content are all out of the claimed range, resulting in a low CSS and a low FD durability.

Comparative Example 1-19: Sputtering method and rare gas content are both out of the claimed range, resulting in a low CSS and a low FD durability. This Comparative Example is the closest to the invention of the Hitachi reference. The film-making method using the sputtering method, instead of by plasma CVD method, is believed to be the same in both the Comparative Example and in Hitachi, resulting in non-superior performance.

Comparative Example 1-20: Sputtering method, carbon content, and nitrogen content are all out of the claimed range, resulting in a low CSS and a low FD durability.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

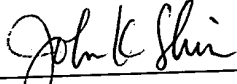
Respectfully submitted,

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